IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO.513 OF 2004
IN
L.P.A. NO.316 OF 1998
IN
FIRST APPEAL NO. 362 OF 1986

P.J. Thankappan.
....Applicant.

Vs.

Pyaraly Hirjee Hamid.
....Respondent.

Mr. B.H. Vyas for the Applicant.

Mr. V.Y.Sanglikar for the Respondent.

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CORAM: H.L.GOKHALE &
R.S.MOHITE, JJ.

DATED: 6/12/2004.

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PC :

1. Heard Mr.Vyas in support of this application which is taken out by the appellant/original defendant. Mr. Sanglikar is present for the respondent-original plaintiff.

2. Letters Patent Appeal No.316 of 1988 filed by the present applicant was dismissed on 14.10.2004 by Division Bench wherein one of us (R.S. Modiste, J.) was a member. When that L.P.A. was dismissed Mr.

Vyas, learned counsel for the applicant had requested that decree may not be executed for a period of 8-weeks. Mr. Sanglikar, learned counsel for the respondent fairly stated that the decree will not be executed for a period of 8 weeks, provided the applicant will give an undertaking that he will not create third party interest in the suit premises. That period has expired and therefore, this application is filed stating that S.L.P. has not been filed because of the personal difficulties of Mr. Vyas. He makes a request that further time of four weeks may be granted. He further makes a statement to the court that only the appellant and his son are occupying the premises concerned and no third party is occupying the same. He undertakes on behalf of the applicant that no third party interest whatsoever will be created in the premises within this further period of four weeks from today. He further states that amount of Rs.4000/-p.m. will continue to be deposited. This deposit will be without prejudice to rights and claims of the respondent. In these terms, we extend the period granted in the earlier order for further period of four weeks wherein the decree will not be executed. This will be only by way of last chance, in view of the personal request made by Mr. Vyas. The respondent may withdraw the amount if deposited without prejudice to

their contentions. Civil application is accordingly disposed of.

. All concerned to act on a copy of this order duly authenticated by the Sheristedar/C.S. of this court.

(H.L.GOKHALE, J.)

(R.S. MOHITE, J.)